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TC

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.          |
|--|-------------|----------------------|---------------------|---------------------------|
| 10/798,166   | 03/11/2004  | Francis Dominique    | 7-3-3-2             | 5105                      |
| 7590   | 10/12/2006  |                      |                     | EXAMINER<br>EHNE, CHARLES |
| Lucent Technologies Inc.<br>Docket Administrator<br>Room 3J-219<br>101 Crawfords Corner Road<br>Holmdel, NJ 07733-3030 |             |                      | ART UNIT<br>2113    | PAPER NUMBER              |
| DATE MAILED: 10/12/2006  |             |                      |                     |                           |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/798,166             | DOMINIQUE ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Charles Ehne           | 2113                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hamabe (6,963,753).

As to claim 1, Hamabe discloses a method comprising the steps of:

receiving a pilot signal (column 9, lines 9-11);

framing the pilot signal into sequential frames each of a predetermined length from the received pilot signal (column 9, lines 33-36);

comparing at least one frame with a known frame pattern of the pilot signal (column 3, lines 57-62);

developing an error signal from the comparison step, wherein the error signal is used to control transmission of the pilot signal (column 3, lines 57-67).

As to claim 2, Hamabe discloses the method of claim 1 wherein the error signal comprises a step-up signal that is transmitted to increase an E.<sub>sub.b</sub>/N.<sub>sub.0</sub> power level of the pilot signal when the comparison step indicates that the at least one frame is different than the known pilot frame pattern, and a step-down signal that is transmitted to decrease the E.<sub>sub.b</sub>/N.<sub>sub.0</sub> power level of the pilot signal when the comparison

step indicates that at least one frame is the same as the known pilot frame pattern (column 3, lines 57-67).

As to claim 3, Hamabe discloses the method of claim 2 wherein the step up and step down signals are transmitted to increase and decrease the E.sub.b/N.sub.0 power level of the pilot signal so as maintain a predetermined frame error rate on the sequential frames of the received pilot signal (column 7, lines 4-7).

As to claim 4, Hamabe discloses the method of claim 3 wherein the predetermined length of the frames of the framed pilot signal is chosen so that the predetermined frame error rate on the sequential frames of the received pilot signal is associated with a constant predetermined frame error rate of a received fundamental channel regardless of the installation scenario between a location from which the pilot signal is being transmitted and a location at which the pilot signal is being received (column 9, lines 44-53).

As to claim 5, Hamabe discloses the method of claim 1 wherein the error signal indicates a degree of mismatch between the framed pilot signal and the known pilot pattern and represents a measure of an uplink signal quality (columns 1-2, lines 67-1).

As to claim 6, Hamabe discloses the method of claim 5 wherein the magnitude of the error signal is used to determine whether communication should continue or should be discontinued (column 11, lines 38-43).

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Ehne whose telephone number is (571)-272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ROBERT BEAUSOEL  
PATENT EXAMINER  
ART UNIT 2113